

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:21-cv-00373-FDW-DCK

ROBERT OWENS,

Plaintiff,

vs.

NORTHWOOD RAVIN, LLC, and NWR
SERVICES, LLC,

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Judicial Settlement Conference and Brief Stay of Proceedings, filed on January 3, 2023. (Doc. No. 37). Plaintiff requests a judicial settlement conference before this Court pursuant to LCvR 16.3(d)(1), as well as a brief stay in all proceedings, including trial and pretrial deadlines, pending completion of the judicial settlement conference. (Id.).

After careful review of the Motion, the Court finds that a judicial settlement conference is inappropriate because it involves the resolution of two separate cases before this Court. Accordingly, Plaintiff's Motion for Judicial Settlement Conference and Brief Stay of Proceedings (Doc. No. 37) is DENIED. However, the Court encourages the parties to continue settlement discussions and notes that the parties may file a Stipulation of Dismissal at any time, including prior to docket call, at which time the Court will remove this case from the trial calendar and terminate the deadlines set forth herein.¹

¹ The Court notes, however, that the Case Management Order in this case provides:

Whenever a civil action scheduled for a jury trial is settled or otherwise disposed of in advance of the actual trial, the Court may assess all jurors' costs (including Marshal's fees, mileage

The Court further notes that the parties' Pretrial Submissions were due by January 3, 2023. (Doc. No. 34). While the parties separately filed trial briefs, (Doc. Nos. 35, 38), they failed to comply with the Pretrial Order and Case Management Plan, which ordered that the pretrial submissions "be jointly drafted and submitted to Chambers." (Doc. No. 11). Accordingly, the Court ORDERS the parties to re-submit their jointly prepared pretrial submissions by 12:00 p.m. on Friday, January 6, 2023. The parties should reference the Court's standing orders and Case Management Order for this case (Doc. No. 11) to ensure compliance with the submission of a jointly proposed pretrial order.

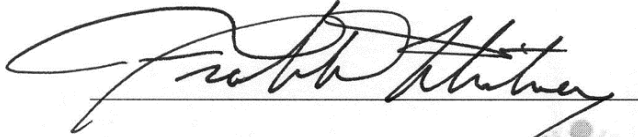
IT IS THEREFORE ORDERED that Plaintiff's Motion for Judicial Settlement Conference and Brief Stay of Proceedings, (Doc. No. 37), is DENIED and the deadlines in this matter will remain as previously set. As such, absent the filing of a Stipulation of Dismissal, counsel is hereby advised they are expected to appear for: (1) docket call at 9:01 a.m. on January 9, 2023; (2) a pretrial conference immediately following docket call, at 9:15 a.m. on January 9, 2023; and (3) jury selection at 9:00 a.m. on January 10, 2023.

IT IS FURTHER ORDERED that the parties shall submit their jointly prepared Submissions by 12:00 p.m. on January 6, 2023.

reimbursement, and per diem fees) equally against the parties or otherwise may determine appropriate assessments, unless the Clerk's office is notified at least one (1) full business day prior to the date on which the action is scheduled for trial or the parties establish good cause why the Court should not assess jury costs against them. (Doc. No. 11, p. 13–14). The Stipulation of Dismissal, if filed on January 9, 2023, must therefore be filed no later than 9:00 a.m. that day to give the Clerk of Court sufficient time during the business day to advise the jurors that they need not appear for jury selection on January 10, 2023. If settlement occurs after that time, the Court will assess all jurors' costs equally against the parties.

IT IS SO ORDERED.

Signed: January 4, 2023


Frank D. Whitney
United States District Judge

